



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/989,507	12/12/97	BRIES	5369105A8A

IM71/0113
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EXAMINER	
AHMAD, N	
ART UNIT	PAPER NUMBER
1772	

DATE MAILED: 01/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/989,507

Applicant(s)
Bries et al.

Examiner
Nasser Ahmad

Group Art Unit
1772



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-40 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 6-12, 15-24, 26-32, and 35-40 is/are rejected.

☒ Claim(s) 5, 13, 14, 25, 33, and 34 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4 & 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

2. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 1-4, 6-8, 21-24 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobe (WO: 94/21742).

Kobe relates to an adhesive tape for attaching plural objects to one another. The tape comprises a first backing having an adhesive surface over a first major surface of said first backing layer and a separable connector surface covering a second major surface of said first backing layer. The backing layer can be acrylonitrile-butadiene-styrene polymer ~~that~~ is inherently stretchable.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-4, 6-8, 21-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobe in view of Kreckel (5,516,581).

Kobe, as discussed above, fails to expressly teach that the first backing layer is stretchable. Kreckel discloses a removable adhesive tape comprising a stretchable backing. Kreckel teaches the advantage of using a stretchable backing to facilitate removal of the tape by stretching. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Kreckel's teaching of using a stretchable backing in the invention of Kobe.

6. Claims 9-12, 15-20, 29-32 and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobe in view of Kreckel.

Kobe and Kreckel, as discussed above, fails to teach the presence of a second stretchable tape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for a second stretchable tape, since it has been held that mere duplication of the working parts of a device involved only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

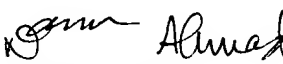
7. Claims 5, 13, 14, 25, 33 and 34 are free of the prior art uncovered so far.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can normally be reached on Monday - Thursday from 8:30 a.m. to 6:00 p.m. The examiner can also be reached on alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ellis Robinson, can be reached on (703) 308-2364. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


NASSER AHMAD
PRIMARY EXAMINER
GROUP 1300

AHMAD/D.Z.R.

JANUARY 8, 1999